Interim Order against Royal Park Condominium Authority

by Sarath Malalasekera

COLOMBO: The Court of Appeal has granted an interim order against the Condominium Management Authority of Royal Park preventing it and its agents from dissolving or handing over the management and duties of Petitioner, the Royal Park Management Corporation, to the Condominium Management Authority.

The Bench comprising Justice K. Sripavan and Justice Sarath de Abrew issued an interim order and notified Respondent, the Condominium Management Authority, to be present in Court on March 15, 2006.

The petitioner, the Royal Park Management Corporation, also reserved its rights to ask for further interim orders as prayed, preventing the Condominium Management Authority and its agents from entering the premises forcibly.

The said action was a sequel to two complaints made to the Authority by an owner and an occupier.

The petitioner in its application to court stated it is an incorporated body which is the Management Corporation of the Royal Park Condominium and stated the Condominium Parcels therein are privately owned.

The owners of the 248 apartments constitute the petitioner.

The Royal Park Condominium is one of the largest Condominium complexes in Sri Lanka and the Management Corporation conducts a critical function in managing the common elements and other duties.

The power and duties include enforcing by-laws and other safety and security measures.

The petitioner also stated that the Petitioner's functions include managing the common elements, insuring against risks and preventing and removing unauthorised constructions.

They alleged that during the course of an inquiry they received a letter addressed to the Council members by an officer of the Condominium Authority threatening to dissolve the petitioner's Corporation.

The threat to dissolve had been copied to some individuals and also published in some press reports.

Hiran de Alwis with C. Jayamaha appeared for the petitioner, the Royal Park Management Corporation.